

REMARKS**Response to Claim Rejections Under 35 U.S.C. §103**

Claims 1, 29, 31-32 and 40-51 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Kieturakis (U.S. Pat. No. 5,794,626) in view of Tihon et al. (U.S. Pat. No. 5,415,656) further in view of Ritchart et al. (U.S. Pat. No. 5,649,547). In response applicants have amended rejected claims to clarify the location of the tissue cutting element and the encapsulation components, namely coupled to the distal shaft portion which is proximal to the distal end. The Examiner contends that element 150 of the Ritchart et al. reference is an encapsulating element. However, it is clear that the element is a grasping element, not an encapsulating element. The grasping arms of the Ritchart et al. would not encapsulate the specimen. Moreover, the grasping arms of Ritchart et al. are not coupled to a distal shaft portion proximal to the distal end as called for in the present claims.

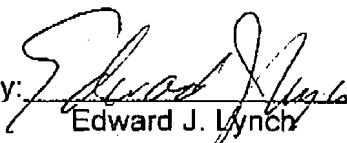
Claims 1, 29, 31-33, and 40-51 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Kieturakis ('626) in view of Tihon et al. ('656) further in view of Ritchart et al. ('547) even further in view of Kanner et al. ('790). The deficiencies of Kieturakis, Tihon et al. and Ritchart et al. have been discussed above. Kanner et al. fails to make up for the deficiencies of Kieturakis, Tihon et al. and Ritchart et al. as previously discussed. The present claims call for securing the severed tissue to the distal shaft section. Kanner et al. suctions the specimen into the cutting member through a distal port. The entire structures of previously discussed Kieturakis, Tihon et al. and Ritchart et al. references would have to be modified to accommodate the features of Kanner et al., so those having ordinary skill in the art would not seek to

modify Kieturakis, Tihon et al. and Ritchart et al. by the teaching of Kanner et al. as contended by the Examiner.

Conclusion

Applicants believe that the pending claims are directed to patentable subject matter. Further consideration pursuant to the concurrently filed RCE and an early allowance of these claims are earnestly solicited.

Respectfully submitted,

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